

Honorable Robert J. Bryan

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

Angela Kee
5312 S. Cedar St.
Tacoma, WA 98409

and

Angela Gustin
7827 S. Ainsworth Ave.
Tacoma, WA 98408

Plaintiffs,

v.

Evergreen Professional Recoveries, Inc.
c/o Kenneth A. Ross, Registered Agent
12100 NE 195th St. #325
Bothell, WA 98011

Defendant

No. C09-5130 RJB

DECLARATION OF COUNSEL
IN SUPPORT OF
DEFENDANT'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
(CLAIMS OF PLAINTIFF KEE)

1. I, Kimberlee Walker Olsen, am over the age of 18 and competent to

be a witness herein. I am counsel for the Defendant, Evergreen Professional Recoveries,

DECLARATION OF COUNSEL IN SUPPORT
OF DEFENDANT'S MOTION FOR PARTIAL
SUMMARY JUDGMENT - 1
C09-5130 RJB

Luke, Casteel & Olsen, PSC
3400 188th Street SW, Suite 484
Lynnwood, WA 98037
425-744-0411
425-771-3490 (Facsimile)

1 Inc.

2 2. Attached hereto as Exhibit 1 is a demand letter dated September 26, 2008,
3 and sent by Kee's counsel, alleging FDCPA claim(s) worth \$10,000.
4

5 3. Attached hereto as Exhibit 2 is the Voluntary Petition and partial schedules
6 from the Chapter 7 Bankruptcy of Plaintiff Kee, filed on February 13, 2009, under Cause
7 No. 09-40947-PBS

8 4. Attached hereto as Exhibit 3 is the Bankruptcy Case docket, showing the
9 Trustee's Report of No Distribution dated April 28, 2009, Kee's bankruptcy discharge,
10 received on June 2, 2009, closure of the case on June 8, 2009.
11

12 5. Attached hereto as Exhibit 4 is a letter from Defendant's counsel to Kee's
13 counsel, advising of the judicial estoppel bar to Kee's claims and requesting voluntary
14 dismissal thereof. (The letter has been redacted as to other matters.)
15

16 6. Attached hereto as Exhibit 5 are Amended schedules filed by Kee's counsel
17 the day after the letter was received (and after the case was closed), now listing as personal
18 property Kee's FDCPA case, at a value of \$3,000.

19 I declare under penalty of perjury that the foregoing is true and correct.

20 DATED July 24, 2009.

21 /s/ Kimberlee Walker Olsen
22 Kimberlee Walker Olsen, WSBA # 28773
23 Attorney for Defendant

24 DECLARATION OF COUNSEL IN SUPPORT
25 OF DEFENDANT'S MOTION FOR PARTIAL
26 SUMMARY JUDGMENT - 2
C09-5130 RJB

Luke, Casteel & Olsen, PSC
3400 188th Street SW, Suite 484
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425-744-0411
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Exhibit 1

Demand Letter from Kee's Counsel

**LEGAL
HELPERS, PCTM**
America's Consumer Law Firm

Richard J. Meier, Esq.
rjm@legalhelpers.com
312.753.7574

September 26, 2008

Evergreen Professional Services, Inc.
c/o Kenneth A. Ross, Registered Agent
12100 NE 195th St., #325
Bothell, WA 98011

Re: Kee v. Evergreen Professional Services, Inc. (unfiled)

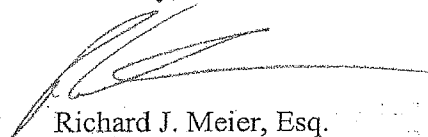
Dear Sir/ Madam,

My firm has been retained by Ms. Kee to proceed with litigation against you for violations of the Fair Debt Collection Practices Act (FDCPA). I wanted to extend a professional courtesy and provide you the opportunity for an amicable resolution.

From the information we obtained from our client, we believe that your company has engaged in collection activities that are prohibited by the Act. Please review the Complaint for the specific allegations, as there is no need to recreate them here.

As of today, our client is willing to settle within thirty days (30) for \$10,000.00. If settlement has not been reached within that time, we will proceed with filing the enclosed Complaint. Our Chicago office will be responsible for settlement discussions. I look forward to amicably resolving this matter, which I believe, is in the interests of all parties involved. Please contact me directly at the 312-753-7574.

Sincerely,



Richard J. Meier, Esq.

Exhibit 2

Kee's Bankruptcy Petition and Partial Schedules

B1 (Official Form 1)(1/08)

United States Bankruptcy Court Western District of Washington		Voluntary Petition
Name of Debtor (if individual, enter Last, First, Middle): Kee, Angela M		Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):		All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) xxx-xx-5446		Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)
Street Address of Debtor (No. and Street, City, and State): 5312 S. Cedar St Tacoma, WA <div style="text-align: right; font-size: small;">ZIP Code 98409</div>		Street Address of Joint Debtor (No. and Street, City, and State): <div style="text-align: right; font-size: small;">ZIP Code</div>
County of Residence or of the Principal Place of Business: Pierce		County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): <div style="text-align: right; font-size: small;">ZIP Code</div>		Mailing Address of Joint Debtor (if different from street address): <div style="text-align: right; font-size: small;">ZIP Code</div>
Location of Principal Assets of Business Debtor (if different from street address above):		
Type of Debtor (Form of Organization) (Check one box) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box) <input checked="" type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input type="checkbox"/> Debts are primarily business debts.
Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
Statistical/Administrative Information <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.		THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> OVER 100,000		
Estimated Assets <input checked="" type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		
Estimated Liabilities <input checked="" type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		

B1 (Official Form 1)(1/08)

Page 2

Voluntary Petition <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): Kee, Angela M	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)			
Location Where Filed: - None -	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)			
Name of Debtor: - None -	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b). <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> /s/ Mona Lisa C. Gacutan Signature of Attorney for Debtor(s) Mona Lisa C. Gacutan 39344 </div> <div> February 13, 2009 (Date) </div> </div>	
Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No.			
Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) <input checked="" type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: <input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
Information Regarding the Debtor - Venue (Check any applicable box)			
<input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.			
<input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.			
<input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes)			
<input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) <div style="margin-left: 40px;"> _____ (Name of landlord that obtained judgment) </div> <div style="margin-left: 40px;"> _____ (Address of landlord) </div>			
<input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and			
<input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.			
<input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

B1 (Official Form 1)(1/08)

Page 3

Voluntary Petition*(This page must be completed and filed in every case)*Name of Debtor(s):
Kee, Angela M**Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.
[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Angela M Kee
Signature of Debtor **Angela M Kee**

X _____
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

February 13, 2009
Date

Signature of Attorney*

X /s/ Mona Lisa C. Gacutan
Signature of Attorney for Debtor(s)

Mona Lisa C. Gacutan 39344
Printed Name of Attorney for Debtor(s)

Macey & Aleman
Firm Name
600 Stewart St #724
Seattle, WA 98101

Address

206.770.0444 Fax: 206.770.0555
Telephone Number

February 13, 2009
Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X _____
Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

X _____
Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

B6 Summary (Official Form 6 - Summary) (12/07)

**United States Bankruptcy Court
Western District of Washington**

In re Angela M Kee

Debtor

Case No. _____

Chapter 7

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors must also complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	0.00		
B - Personal Property	Yes	3	8,598.00		
C - Property Claimed as Exempt	Yes	1			
D - Creditors Holding Secured Claims	Yes	1		6,934.00	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	Yes	1		0.00	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	4		12,732.84	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	1			
I - Current Income of Individual Debtor(s)	Yes	1			4,696.00
J - Current Expenditures of Individual Debtor(s)	Yes	2			4,865.00
Total Number of Sheets of ALL Schedules		16			
Total Assets			8,598.00		
Total Liabilities				19,666.84	

B6B (Official Form 6B) (12/07)

In re **Angela M Kee**

Case No. _____

Debtor

SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
1. Cash on hand	X			
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		Harborstone Checking Account # [REDACTED]	-	860.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		Miscellaneous used household goods	-	1,000.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	X			
6. Wearing apparel.		Personal used clothing	-	400.00
7. Furs and jewelry.	X			
8. Firearms and sports, photographic, and other hobby equipment.	X			
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issuer.	X			
Sub-Total > (Total of this page)				2,260.00

2 continuation sheets attached to the Schedule of Personal Property

B6B (Official Form 6B) (12/07) - Cont.

In re Angela M Kee

Case No. _____

Debtor

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.	X			
13. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
14. Interests in partnerships or joint ventures. Itemize.	X			
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
16. Accounts receivable.	X			
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.		Expected 2008 Tax Refund	-	6,000.00
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			

Sub-Total > **6,000.00**
(Total of this page)

Sheet 1 of 2 continuation sheets attached
to the Schedule of Personal Property

B6B (Official Form 6B) (12/07) - Cont.

In re **Angela M Kee**

Case No. _____

Debtor

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.	X			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		1988 Cadillac Deville with 300,000 miles	-	338.00
26. Boats, motors, and accessories.	X			
27. Aircraft and accessories.	X			
28. Office equipment, furnishings, and supplies.	X			
29. Machinery, fixtures, equipment, and supplies used in business.	X			
30. Inventory.	X			
31. Animals.	X			
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.	X			

Sub-Total >	338.00
(Total of this page)	
Total >	8,598.00

Sheet 2 of 2 continuation sheets attached
to the Schedule of Personal Property

(Report also on Summary of Schedules)

B6C (Official Form 6C) (12/07)

In re Angela M Kee

Case No. _____

Debtor

SCHEDULE C - PROPERTY CLAIMED AS EXEMPTDebtor claims the exemptions to which debtor is entitled under:
(Check one box)

- ☒ 11 U.S.C. §522(b)(2)
☐ 11 U.S.C. §522(b)(3)

☐ Check if debtor claims a homestead exemption that exceeds
\$136,875.

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
<u>Checking, Savings, or Other Financial Accounts, Certificates of Deposit</u>			
Harborstone Checking Account # - [REDACTED]	11 U.S.C. § 522(d)(5)	860.00	860.00
<u>Household Goods and Furnishings</u>			
Miscellaneous used household goods	11 U.S.C. § 522(d)(3)	1,000.00	1,000.00
<u>Wearing Apparel</u>			
Personal used clothing	11 U.S.C. § 522(d)(5)	400.00	400.00
<u>Other Liquidated Debts Owed Debtor Including Tax Refund</u>			
Expected 2008 Tax Refund	11 U.S.C. § 522(d)(5)	6,000.00	6,000.00
<u>Automobiles, Trucks, Trailers, and Other Vehicles</u>			
1988 Cadillac Deville with 300,000 miles	11 U.S.C. § 522(d)(2)	338.00	338.00

Total: **8,598.00** **8,598.00**

0 continuation sheets attached to Schedule of Property Claimed as Exempt

B6F (Official Form 6F) (12/07) - Cont.

In re Angela M Kee

Case No. _____

Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R R	H U S B A N D W I F E J O I N T O R	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C O N T I N G U E D	U N J U D I C I A L L Y	D I S P U T E D	AMOUNT OF CLAIM
Account No. xxx6975 Collection Company Of 700 Longwater Dr Norwell, MA 02061	-		Opened 10/01/05 Collection Attorney Cingular Wrls Fmerly At T Wrls				850.00
Account No. xxx9657 Evergreen Professional P.o. Box 666 Bothell, WA 98041	-		Opened 1/01/08 Collection Attorney Group Health Cooperative				391.00
Account No. xxxxxxxxxxxx4203 First Premier Bank Po Box 5524 Sioux Falls, SD 57117	-		Opened 8/08/02 Last Active 11/26/04 CreditCard				0.00
Account No. Key Bank 27205 172nd Ave SE Covington, WA 98042	-		Unsecured				130.00
Account No. xx3298 Linebarger Goggan Blair & Samp 600 17th Street, Suite 800N Denver, CO 80202-5462	-		2008 Attorneys for International Portfolio, Inc. Medical				974.84
Sheet no. <u>1</u> of <u>3</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims							Subtotal (Total of this page)
							2,345.84

Exhibit 3

Docket Report Kee's Bankruptcy Case

MEANSNO, CLOSED

**U.S. Bankruptcy Court
Western District of Washington (Tacoma)
Bankruptcy Petition #: 09-40947-PBS**

Assigned to: Paul B Snyder
Chapter 7
Voluntary
No asset

Date filed: 02/13/2009
Date terminated: 06/08/2009
Debtor discharged: 06/02/2009

Debtor disposition: Standard Discharge

Debtor

Angela M Kee
5312 S. Cedar St
Tacoma, WA 98409
SSN / ITIN: xxx-xx-5446

represented by **Lawrence S Lofgren**

Macey & Aleman
600 Stewart St Ste 1224
Seattle, WA 98101
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Mona Lisa C Gacutan


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Trustee








Terrence J. Donahue
1201 Pacific Ave #1200
Tacoma, WA 98402
253-620-2519


US Trustee

US Trustee
700 Stewart St Ste 5103
Seattle, WA 98101
(206) 553-2000

Filing Date	#	Docket Text
02/13/2009	 1	Chapter 7 Voluntary Petition . Filed by Mona Lisa C Gacutan on behalf of Angela M Kee (Gacutan, Mona) (Entered: 02/13/2009 at 15:47:35)

02/13/2009	 <u>2</u>	Certificate of Credit Counseling for Debtor . Filed by Mona Lisa C Gacutan on behalf of Angela M Kee. (Gacutan, Mona) (Entered: 02/13/2009 at 15:47:53)
02/13/2009	 <u>3</u>	Chapter 7 Statement of Current Monthly Income and Means Test Calculation - Form 22A .. Filed by Mona Lisa C Gacutan on behalf of Angela M Kee. (Gacutan, Mona) (Entered: 02/13/2009 at 15:48:05)
02/13/2009	 <u>4</u>	Social Security Number(s) of Debtor(s) Submitted. PDF only viewable by court. Filed by Mona Lisa C Gacutan on behalf of Angela M Kee. (Gacutan, Mona) (Entered: 02/13/2009 at 15:48:19)
02/13/2009		Receipt of filing fee for Chapter 7 Voluntary Petition (09-40947) [misc,1028] (299.00). Receipt number 9544005. Fee amount \$ 299.00. (U.S. Treasury) (Entered: 02/13/2009 at 15:58:30)
02/13/2009	 <u>5</u>	Meeting of Creditors & Notice of Appointment of Interim Trustee Terrence J. Donahue with 341(a) meeting to be held on 03/31/2009 at 10:30 AM at Courtroom J, Union Station. Objections to Discharge and Reaffirmation Agreements due by 06/01/2009. (Gacutan, Mona) (Entered: 02/13/2009 at 15:58:41)
02/17/2009	 <u>6</u>	341 Meeting of Creditors Notice Sent to BNC for Mailing . (USBC Staff - Toop, Jean) (Entered: 02/17/2009 at 09:26:38)
02/19/2009	 <u>7</u>	BNC Certificate of Mailing - Meeting of Creditors (Related document(s) <u>6</u> 341 Meeting of Creditors Sent to BNC for Mailing). Service Date 02/19/2009. (Admin.) (Entered: 02/19/2009 at 23:07:52)
03/31/2009	 <u>8</u>	Notice of Certificate(s) due before Discharge RE Certificate of Financial Management. Sent to BNC 3/31/09 (USBC Staff - Dodd-Barton, Inmaculada) (Entered: 03/31/2009 at 10:48:23)
03/31/2009		Chapter 7 Trustee's Meeting of Creditors Continued on 04/27/09 at 10:15 AM at Courtroom J, Union Station (Donahue, Terrence) (Entered: 03/31/2009 at 14:49:02)
04/01/2009	 <u>9</u>	Stipulated Received UNSIGNED Order. Forwarded to Chambers for Judge's Signature <i>Order Extending Deadlines</i> . Filed by Terrence J. Donahue on behalf of Terrence J. Donahue. (Related document(s) <u>5</u> Meeting of Creditors Chapter 7 Individual No Asset AutoAssign, Trustees Meeting of Creditors Continued). (Donahue, Terrence) (Entered: 04/01/2009 at 15:01:43)

04/02/2009	 <u>10</u>	Stipulated ORDER Extending Deadlines. <i>341 Meeting Continued to 4/27/09 at 10:15 a.m. Deadline Objecting to Discharge, Exemptions and for Dismissal is Extended to 30 days from 341 Meeting.</i> (Related document(s) <u>9</u> Received UNSIGNED Order). (USBC Staff - Manley, Sherri) (Entered: 04/02/2009 at 11:48:07)
04/02/2009	 <u>11</u>	BNC Certificate of Notice (Related document(s) <u>8</u> Notice RE Certificates Required for Discharge). Service Date 04/02/2009. (Admin.) (Entered: 04/02/2009 at 22:38:26)
04/28/2009		Chapter 7 Trustee's Report of No Distribution: having been appointed trustee of the estate of the above-named debtor(s), report that I have neither received any property nor paid any money on account of this estate; that I have made a diligent inquiry into the financial affairs of the debtor(s) and the location of the property belonging to the estate; and that there is no property available for distribution from the estate over and above that exempted by law. Pursuant to Fed R Bank P 5009, I hereby certify that the estate of the above-named debtor(s) has been fully administered. I request that I be discharged from any further duties as trustee. Key information about this case as reported in schedules filed by the debtor(s) or otherwise found in the case record: This case was pending for 2 months. Assets Abandoned: \$ 8598.00, Assets Exempt: \$ 0.00, Claims Scheduled: \$ 19666.84, Claims Asserted: Not Applicable, Claims scheduled to be discharged without payment: \$ 19666.84. (Donahue, Terrence) (Entered: 04/28/2009 at 10:28:12)
04/30/2009	 <u>12</u>	Financial Management Course Certificate Filed for Debtor .. Filed by Mona Lisa C Gacutan on behalf of Angela M Kee. (Gacutan, Mona) (Entered: 04/30/2009 at 15:11:22)
06/02/2009	 <u>13</u>	DISCHARGE of Debtor. (Related document(s) <u>5</u> Meeting of Creditors). (USBC Staff - Manley, Sherri) (Entered: 06/02/2009 at 10:10:26)
06/04/2009	 <u>14</u>	BNC Certificate of Mailing - Order of Discharge (Related document(s) <u>13</u> Order Re Discharge of Debtor). Service Date 06/04/2009. (Admin.) (Entered: 06/04/2009 at 22:21:49)
06/08/2009		CLOSED. It appearing to the Court that the Trustee in the above-entitled case has filed a Report of No Distribution and that the said Trustee has performed all other duties required of the Trustee in the administration of said case; now, therefore, IT IS ORDERED that said report be and it hereby is approved and the case is closed; and the Trustee is discharged from and relieved of his/her trust. Mark L. Hatcher, Clerk . (USBC Staff - Manley, Sherri) (Entered: 06/08/2009 at 10:14:14)

06/17/2009	 15	Amendment to Schedules B, C . Filed by Lawrence S Lofgren on behalf of Angela M Kee. (Lofgren, Lawrence) (Entered: 06/17/2009 at 15:31:51)
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PACER Service Center			
Transaction Receipt			
07/23/2009 17:18:07			
PACER Login:	lc0179	Client Code:	7epri/.02
Description:	Docket Report	Search Criteria:	09-40947-PBS Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Links : included Format: html
Billable Pages:	2	Cost:	0.16

Exhibit 4

Letter to Kee's Counsel

LUKE, CASTEEL & OLSEN, PSC

ATTORNEYS AT LAW

ALDERWOOD BUSINESS CENTER

3400 188TH STREET SOUTHWEST

SUITE 484

LYNNWOOD, WASHINGTON 98037-4708

ROBERT A. CASTEEL
ROBERT N. LUKE
KIMBERLEE WALKER OLSEN

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(425) 744-0411

FACSIMILE
(425) 771-3490

June 17, 2009

Richard Meier
Legal Helpers, PC
The Sears Tower, Suite 5150
Chicago, IL 60606

FILE COPY

Re: **Kee et al v. Evergreen Professional Recoveries, Inc.**
U.S. District Court Cause No. C09-5130

Dear Richard:

[REDACTED]

Angela Kee filed Bankruptcy on February 13, 2009 and received a discharge on June 2, 2009. She knew of her claim against Evergreen back in 2008, but did not list it among her assets in the Bankruptcy. As such, her claims against Evergreen are barred by judicial estoppel.

I enclose a Western District of Washington Order Granting Summary Judgment, which I recently obtained in defense of another collection agency being pursued by a bankrupt debtor. Judge Burgess's Order succinctly summarizes the facts (which are strikingly similar to Kee's case) and applicable law. Additionally, Kee's case provides more compelling reasons for estoppel because 1) Legal Helpers was her bankruptcy counsel as well as her FDCPA counsel; and 2) there is even more case law to support dismissal in a Chapter 7 context than in a Chapter 13.

I am aware that you have named two plaintiffs in this suit, Angela Kee and Angela Gustin, [REDACTED]

[REDACTED]

Moreover, with this letter I am giving notice, as required by Rule 11, that if you do not voluntarily dismiss Ms. Kee prior to my filing a Motion for Summary Judgment, I will seek reimbursement of costs and attorney fees.

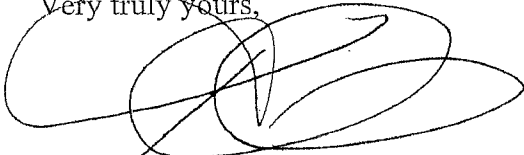
[REDACTED]

Richard Meier
June 17, 2009
Page 2

[REDACTED]

Please feel free to call me after you review the enclosed and we can discuss this further.

Very truly yours,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned over the typed name.

Kimberlee Walker Olsen

KWO/lis

Exhibit 5

Amended Schedules

B6B (Official Form 6B) (12/07)

In re **Angela M Kee**Case No. **09-40947**

Debtor

SCHEDULE B - PERSONAL PROPERTY - AMENDED

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
1. Cash on hand	X			
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		Harborstone Checking Account # [REDACTED]	-	860.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		Miscellaneous used household goods	-	1,000.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	X			
6. Wearing apparel.		Personal used clothing	-	400.00
7. Furs and jewelry.	X			
8. Firearms and sports, photographic, and other hobby equipment.	X			
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issuer.	X			
Sub-Total >				2,260.00
(Total of this page)				

2 continuation sheets attached to the Schedule of Personal Property

B6B (Official Form 6B) (12/07) - Cont.

In re Angela M KeeCase No. 09-40947

Debtor

SCHEDULE B - PERSONAL PROPERTY - AMENDED
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.	X			
13. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
14. Interests in partnerships or joint ventures. Itemize.	X			
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
16. Accounts receivable.	X			
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.		Expected 2008 Tax Refund	-	6,000.00
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.		fair debt collection case Kee v. Evergreen Professional Recoveries 09-5130	-	3,000.00
Sub-Total > (Total of this page)				9,000.00

Sheet 1 of 2 continuation sheets attached
to the Schedule of Personal Property

B6B (Official Form 6B) (12/07) - Cont.

In re Angela M Kee
DebtorCase No. 09-40947**SCHEDULE B - PERSONAL PROPERTY - AMENDED**
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.	X			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		1988 Cadillac Deville with 300,000 miles	-	338.00
26. Boats, motors, and accessories.	X			
27. Aircraft and accessories.	X			
28. Office equipment, furnishings, and supplies.	X			
29. Machinery, fixtures, equipment, and supplies used in business.	X			
30. Inventory.	X			
31. Animals.	X			
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.	X			

Sub-Total > 338.00
(Total of this page)
Total > 11,598.00

Sheet 2 of 2 continuation sheets attached
to the Schedule of Personal Property

(Report also on Summary of Schedules)

B6C (Official Form 6C) (12/07)

In re Angela M KeeCase No. 09-40947

Debtor

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT - AMENDEDDebtor claims the exemptions to which debtor is entitled under:
(Check one box)

- ☒ 11 U.S.C. §522(b)(2)
☐ 11 U.S.C. §522(b)(3)

☐ Check if debtor claims a homestead exemption that exceeds \$136,875.

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
Checking, Savings, or Other Financial Accounts, Certificates of Deposit			
Harborstone Checking Account # [REDACTED]	11 U.S.C. § 522(d)(5)	860.00	860.00
Household Goods and Furnishings			
Miscellaneous used household goods	11 U.S.C. § 522(d)(3)	1,000.00	1,000.00
Wearing Apparel			
Personal used clothing	11 U.S.C. § 522(d)(5)	400.00	400.00
Other Liquidated Debts Owing Debtor Including Tax Refund			
Expected 2008 Tax Refund	11 U.S.C. § 522(d)(5)	6,000.00	6,000.00
Other Contingent and Unliquidated Claims of Every Nature			
fair debt collection case Kee v. Evergreen Professional Recoveries 09-5130	11 U.S.C. § 522(d)(5)	3,000.00	3,000.00
Automobiles, Trucks, Trailers, and Other Vehicles			
1988 Cadillac Deville with 300,000 miles	11 U.S.C. § 522(d)(2)	338.00	338.00

Total: 11,598.00 11,598.00

0 continuation sheets attached to Schedule of Property Claimed as Exempt

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Case 09-40947-PBS Doc 15 Filed 06/17/09 Entered 06/17/09 15:31:51 Page 4 of 4

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